

_____ viii) An analysis to demonstrate compliance with the Commission's radiofrequency radiation requirements must be included with the Form 302-FM application for license to cover the increased power.

(c). The license application is filed to increase the ERP of an auxiliary facility. Complete Section 7 below.

☐ 2. **Decrease in a commercial FM station's ERP.** An FM station may decrease ERP via a license application where ALL OF THE FOLLOWING ARE TRUE. See 47 CFR Section 73.1690(c)(8).

_____ i) An exhibit must be provided to demonstrate that the station will continue to maintain the 70 dBu contour over the community of license, as required by 47 CFR § 73.315(a). The location of the contour must be predicted using the standard contour prediction method in 47 CFR Section 73.313(b), (c), and (d). Supplemental contour prediction methods may not be used to predict the location of the 70 dBu contour in a license application.

_____ ii) An exhibit must be provided to demonstrate that the station will maintain the 70 dBu contour over the main studio location, or that the main studio is located within the community of license, as required by 47 CFR Section 73.1125. The location of the contour must be predicted using the standard contour prediction method in 47 CFR Section 73.313(b), (c), and (d). Supplemental contour prediction methods may not be used to predict the location of the 70 dBu contour in a license application.

_____ iii) The station class, as defined by 47 CFR Section 73.211, may not change from the station class authorized for the station.

_____ iv) The station's vertically polarized ERP will not exceed the horizontally polarized ERP.

_____ v) The licensee or permittee must certify that the power decrease is not requested or required to establish compliance with the multiple ownership rule, 47 CFR Section 73.3555.

_____ vi) The installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

_____ vii) The reduction in power would not cause an authorized auxiliary facility of the station to violate 47 CFR Section 73.1675. If a violation would occur:

_____ an application must be submitted *simultaneously with the license to cover the power reduction* to bring the auxiliary facility into compliance with 47 CFR Section 73.1675; or

_____ the auxiliary license is attached for cancellation.

☐ 3. **Decrease in a noncommercial educational FM station's ERP.** A decrease in a noncommercial educational station's ERP may be applied for in a license application, provided that ALL OF THE FOLLOWING ARE TRUE. See 47 CFR Section 73.1690(c)(8).

_____ i) An exhibit must be provided to demonstrate that the station continues to provide a 60 dBu contour over at least a portion of the community of license. The location of the contour must be predicted using the standard contour prediction method in 47 CFR Section 73.313(b), (c), and (d). Supplemental contour prediction methods may not be used to predict the location of the 60 dBu contour in a license application.

_____ ii) An exhibit must be provided to demonstrate that the station will continue to provide a 70 dBu contour over the main studio location, as required by 47 CFR Section 73.1125, or that the main studio is located within the community of license (*see* 47 CFR Section 73.1125(a)(3)). The location of the contour must be predicted using the standard contour prediction method in 47 CFR Section 73.313(b), (c), and (d). Supplemental contour prediction methods may not be used to predict the location of the 70 dBu contour in a license application.

_____ iii) The license application may not propose to eliminate the authorized horizontally polarized ERP, if a horizontally polarized ERP is currently authorized.

_____ iv) The vertically polarized ERP may not exceed the horizontally polarized ERP, unless the noncommercial educational station is located within the separations specified in Table A of 47 CFR Section 73.525 with respect to a Channel 6 television station.

_____ v) The installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

_____ vi) The station is not presently authorized with separate horizontal and vertical antennas mounted at different heights. Use of separate horizontal and vertical antennas requires a construction permit before implementation or changes.

_____ vii) The reduction in power would not cause an authorized auxiliary facility to violate 47 CFR Section 73.1675. If a violation would occur:

_____ an application is submitted *simultaneously with this license application to reduce ERP* to bring the auxiliary facility into compliance with 47 CFR Section 73.1675; or

_____ the auxiliary license is attached for cancellation.

☐ 4. **Replacing an FM Directional Antenna With Another Directional Antenna.**

A directional antenna may be replaced with another directional antenna, and the Commission subsequently notified of the change via a license application, provided exhibits are attached to the license application to demonstrate compliance with ALL OF THE FOLLOWING ITEMS. See 47 CFR Section 73.1690(c)(2).

_____ i) the installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

_____ ii) A measured directional pattern and tabulation on the manufacturer's letterhead showing both the horizontal and vertical radiation components and demonstrating that neither of the measured components exceeds the authorized composite pattern along any azimuth.

_____ iii) If the directional antenna is used for a station authorized under Section 73.215 (commercial FM contour protection), or Section 73.509 (noncommercial educational FM), the license application must demonstrate that the RMS (root mean square) of the measured composite directional pattern is 85% or more of the RMS of the authorized composite pattern. If the measured pattern does not meet this requirement, an attachment may be provided to specify reduced relative field values along multiple azimuths for the authorized composite pattern (as authorized for the previous license) so as to bring the measured and authorized directional patterns into compliance with the 85% RMS requirement. See 47 CFR Section 73.316(c)(9).

_____ iv) A description from the manufacturer as to the procedures used to measure the directional antenna pattern. The antenna measurements must be performed with the antenna mounted on a tower or tower section, or through use of a scale model, equivalent to that on which the antenna will be permanently mounted, and the tower or tower section must include transmission lines, ladders, conduits, other antennas, and any other installations which may affect the measured directional pattern.

_____ v) A certification from a licensed surveyor that the antenna has been oriented to the proper azimuth must be provided.

_____ vi) A certification from a qualified engineer who oversaw installation of the directional antenna that the directional antenna was installed pursuant to the manufacturer's instructions must be provided.

_____ vii) The applicant must demonstrate compliance with the AM protection requirements of 47 CFR Section 73.1692 if the installation would occur on an AM antenna structure.

☐ 5. **Deletion of Contour Protection Status Under 47 CFR § 73.215 for a Commercial FM Station.** See 47 CFR § 73.1690(c)(6). A permittee or licensee may apply to delete the contour protection station designation pursuant to 47 CFR Section 73.215 where a showing is provided to demonstrate that the FM station is fully spaced in accordance with the minimum separation requirements of 47 CFR Section 73.207. As specified in the *Report and Order* in MM Docket 96-58, this license application will be considered on a first come / first served basis with respect to any

conflicting minor change or license application, and that a prior filed conflicting application, if granted, may necessitate the dismissal of the license application and the resumption of operations with the contour-protected facilities specified on the current station authorization. Deletion of the contour protection designation will only occur upon grant of the license application.

☐ **6. Change Licensing Status from Commercial FM to Noncommercial Educational FM, or vice versa.** See 47 CFR Section 73.1690(c)(9). A permittee or licensee proposing to change from commercial to noncommercial educational status *must attach completed Sections II and IV of FCC Form 340 to the license application.* Conversely, a permittee or licensee on Channels 221 to 300 proposing to change from noncommercial educational to commercial may do so in a license application without additional exhibits, provided that the channel is not specially reserved for noncommercial educational use in the Table of Allotments (47 CFR Section 73.202(b)). In either case, the change will become effective upon grant of the license application.

☐ **7. Formerly Licensed FM Main Facilities as Auxiliary Facilities, or Change in ERP of an Authorized FM Auxiliary Facility.** See 47 CFR Section 73.1675. The following information must be provided to obtain authorization to use a formerly licensed main facility as an auxiliary facility, or to change the ERP of an authorized FM auxiliary facility:

_____ i) The License Number of the formerly authorized main facility is _____
(the License No. starts with BLH-, BLED-, BMLH-, BMLED-)

_____ ii) An exhibit must be provided to demonstrate that the location of the auxiliary facility's 1 mV/m (60 dBu) contour lies within the licensed main facility's 1 mV/m (60 dBu) contour. The analysis should use a sufficient number of radials to accurately locate both the main and auxiliary contours. The location of the 1 mV/m (60 dBu) contour must be predicted using the standard contour prediction method in 47 CFR Section 73.313(b), (c), and (d).

_____ iii) The installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

_____ iv) If the application proposes to increase the ERP of the auxiliary facility, the application must provide an analysis to demonstrate compliance with the Commission's radiofrequency radiation requirements.

_____ v) If the auxiliary facility requires the installation of a new antenna on an AM antenna tower, the license application must demonstrate compliance with 47 CFR Section 73.1692.

☐ **8. Change in the Vertically Polarized ERP for FM Commercial Stations and Certain Noncommercial Educational FM Stations.** See 47 CFR Section 73.1690(c)(4). Those FM stations for which ALL OF THE FOLLOWING APPLY may increase or decrease the vertically polarized ERP in a modification of license application:

_____ i) If the station is a noncommercial educational FM station and the distance from the FM station to any Channel 6 television station exceeds the minimum distance separation specified in Table A of 47 CFR Section 73.525, an increase or decrease in the vertically polarized ERP may be made, not to exceed the authorized horizontally polarized ERP. [If the station is authorized for vertically polarized only operation, a construction permit is required before making the change.]

_____ ii) If the noncommercial educational station is *within* the minimum separations specified in Table A with respect to a Channel 6 television station, the station may file a license application procedure to reduce (but not increase) the vertical ERP from the authorized value, and may also decrease (but not increase) the horizontal ERP, provided that any

presently authorized horizontal ERP is not eliminated entirely. An exhibit must be provided to demonstrate that the 60 dBu contour will continue to cover at least a portion of the community of license. The location of the contour must be predicted using the standard contour prediction method in 47 CFR Section 73.313(b), (c), and (d). Supplemental contour prediction methods may not be used to predict the location of the 70 dBu contour in a license application.

_____ iii) If the application proposes to increase the vertically polarized ERP of the presently authorized facility, the application must provide an analysis to demonstrate compliance with the Commission's radiofrequency radiation requirements.

_____ iv) the installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

_____ v) If the new antenna is mounted on an AM antenna tower, the license application must demonstrate compliance with 47 CFR Section 73.1692.

Certifications for Supplement to FCC Form 302-FM

In addition to the certifications in Section I, FCC Form 302-FM, I certify that the statements and exhibits in this supplement to the application are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

I understand that, pursuant to 47 CFR Section 73.1620, the Commission may require a reduction in the station's operating power or other changes, or the cessation of program test operations, or the filing of a construction permit application (with appropriate filing fee) for failure to comply with the terms of the construction permit or previous license, Commission rule, or to eliminate interference.

Printed Name of Preparer

Signature

Printed Name of Applicant
(see instructions to Item 6, Section I, Form 302-FM)

Signature

Title

Date

*** END TO FCC FORM 302-FM SUPPLEMENT ***

Appendix D

Supplement to FCC Form 302-TV

This supplement is intended for use with the revised procedures adopted in the *Report and Order* in MM Docket 96-58. You may use this supplement to determine whether the new procedures are applicable to your particular situation. This supplement and any related exhibits must be attached to the Form 302-TV license application.

This TV license application is filed to:

- ☐ cover construction permit (permit number) _____
(the permit number starts with BPCT-, BMPCT-, BPET-, BMPET-)
- ☐ modify license (license number) _____
(the license number starts with BLCT-, BMLCT-, BLET-, BMLET)

Purpose of Application (Check applicable boxes and provide the requested information and exhibits):

- ☐ 1. **Replacement of one TV Directional Antenna With Another.** See 47 CFR Section 73.1690(c)(3). Television stations may replace a directional antenna and commence program test operations without prior authority, and then file a license application on FCC Form 302-TV, PROVIDED THAT ITEMS i), ii), AND iii) iv) ALL APPLY:

_____ i) Either 1, 2 or 3 below is applicable:

_____ 1. the television station operates Channels 2 through 13 or Channels 22 through Channel 68; OR

_____ 2. the TV station operates on or between Channels 15 through 21 and is located in excess of 341 km from a cochannel land mobile operation or in excess of 225 km from a first-adjacent channel land mobile operation (see Part 74, Section 74.709(a) and (b) for tables of urban areas and corresponding reference coordinates of potentially affected land mobile operations). [A TV station on Channels 14 or 69, or on Channels 15 through 21 which does not meet these separations to cochannel or first adjacent channel land mobile operations, must obtain a construction permit before changing a directional antenna.]

_____ ii) the installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

_____ iii) the license application contains all of the data required by 47 CFR Section 73.685(f).

_____ iv) If the TV directional antenna is mounted on an AM antenna tower, the license application must demonstrate compliance with 47 CFR Section 73.1692.

☐ **2. Changes to the Vertically Polarized ERP for TV Stations.** An authorized television station may increase its vertically polarized ERP up to the authorized value for the horizontally polarized ERP, without prior authority, and commence program test operations and file a license application on FCC Form 302-TV, PROVIDED THAT ITEMS i), ii), AND iii) ALL APPLY. An analysis to demonstrate compliance with the Commission's radiofrequency radiation requirements must be included with the Form 302-TV application for license to cover the increased power.

_____ i) Either 1 or 2 below is applicable:

_____ 1. the television station operated on Channels 2 through 13 or Channels 22 through 68; OR

_____ 2. the TV station operates on or between Channels 15 through 21 and is located in excess of 341 km from a cochannel land mobile operation or in excess of 225 km from a first-adjacent channel land mobile operation (*see* Part 74, Section 74.709(a) and (b) for tables of urban areas and corresponding reference coordinates of potentially affected land mobile operations). [A TV station on Channels 14 or 69, or on Channels 15 through 21 which does not meet these separations to cochannel or first adjacent channel land mobile operations, must obtain a construction permit before changing a directional antenna.]

_____ ii) the installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

_____ iv) If the new TV antenna is mounted on an AM antenna tower, the license application must demonstrate compliance with 47 CFR Section 73.1692.

☐ **3. Use of Formerly Licensed Main TV Facilities as Auxiliary Facilities.** *See* 47 CFR Section 73.1675. The following information must be provided to obtain authorization to use a formerly licensed main TV facility as an auxiliary facility:

_____ i) The License No. of the formerly authorized main facility is _____ (the License No. starts with BLCT, BLET-, BMLCT-, BMLET-).

_____ ii) A showing that the location of the auxiliary facility's Grade B coverage contour lies within the licensed main facility's Grade B coverage contour. *See* 47 CFR Section 73.1675(a)(3). The location of the Grade B contours must be predicted using the standard contour prediction method in 47 CFR Section 73.684(b), (c), (d), and (g). The analysis should use a sufficient number of radials to accurately locate both the main and auxiliary contours.

____ iii) If the application proposes to increase the ERP of the TV auxiliary facility, the application must provide an analysis to demonstrate compliance with the Commission's radiofrequency radiation requirements.

____ iv) the installed height of the antenna radiation center is not increased by more than two meters nor decreased by more than four meters from the authorized height for the antenna radiation center.

____ v) If the TV auxiliary facility is mounted on an AM antenna tower, the license application must demonstrate compliance with 47 CFR Section 73.1692.

☐ 4. **Commercial Stations Changing to Noncommercial Educational Status, or vice versa.**

See 47 CFR Section 73.1690(c)(9). The applicant proposing to change from commercial to noncommercial educational status must attach *completed Sections II and IV of FCC Form 340 to the license application*. An applicant proposing to change from noncommercial educational to commercial may do so in a license application without additional exhibits, provided that the channel is not specially reserved for noncommercial educational use in the Table of Allotments (47 CFR Section 73.606(b)). In either case, the change will become effective upon grant of the license application.

Certifications for Supplement to FCC Form 302-TV

In addition to the certifications in Section I, FCC Form 302-TV, I certify that the statements and exhibits in this supplement to the application are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

I understand that, pursuant to 47 CFR Section 73.1620, the Commission may require a reduction in the station's operating power or other changes, or the cessation of program test operations, or the filing of a construction permit application (with appropriate filing fee) for failure to comply with the terms of the construction permit or previous license, Commission rule, or to eliminate interference.

Printed Name of Preparer

Signature

Printed Name of Applicant

Signature

(see instructions to Item 6, Section I, Form 302-TV)

Title

Date

*** END OF SUPPLEMENT TO FCC FORM 302-TV ***

Appendix E

NEW AND REVISED RULES

Part 1 of Title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

A new Section 1.1104(1)(b)(1) is added:

§ 1.1104 (1) (b) (1) Main Studio Request.....
159 & Corres.....690.....MPT.....Federal Communications Commission, Mass Media Services,
P.O. Box 358165, Pittsburgh, PA 15251-5165

A new Section 1.1104(2)(b)(1) is added:

§ 1.1104 (2) (b) (1) Main Studio Request
159 & Corres.....690.....MPT.....Federal Communications Commission, Mass Media Services,
P.O. Box 358190, Pittsburgh, PA 15251-5190

A new Section 1.1104(3)(b)(1) is added:

§ 1.1104 (3) (b) (1) Main Studio Request.....
159 & Corres.....690.....MPT.....Federal Communications Commission, Mass Media Services,
P.O. Box 358195, Pittsburgh, PA 15251-5195

Part 73 of Title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

Section 73.14 is modified by the insertion of the following definition inserted immediately after the definition of *Antenna Resistance*:

§ 73.14 *Auxiliary facility.* An auxiliary facility is an AM antenna tower(s) separate from the main facility's antenna tower(s), permanently installed at the same site or at a different location, from which an AM station may broadcast for short periods without prior Commission authorization or notice to the Commission while the main facility is not in operation (*e.g.*, where tower work necessitates turning off the main antenna or where lightning has caused damage to the main antenna or transmission system) (*See* § 73.1675).

Section 73.310(a) is modified by the insertion of the following definition inserted immediately after the definition of *Antenna Power Gain*:

§ 73.310 (a) *Auxiliary facility.* An auxiliary facility is an antenna separate from the main facility's antenna, permanently installed on the same tower or at a different location, from which a

station may broadcast for short periods without prior Commission authorization or notice to the Commission while the main facility is not in operation (e.g., where tower work necessitates turning off the main antenna or where lightning has caused damage to the main antenna or transmission system) (See § 73.1675).

Also, Section 73.310(a) is modified by the insertion of the following definition inserted immediately after the definition of *Composite Base Band Signal*:

§ 73.310 (a) *Composite antenna pattern.* The composite antenna pattern is a relative field horizontal plane pattern for 360 degrees of azimuth, for which the value at a particular azimuth is the greater of the horizontally polarized or vertically polarized component relative field values. The composite antenna pattern is normalized to a maximum of unity (1.000) relative field.

A new Section 73.316(c)(9) is added, as follows:

§ 73.316 (c) (9) In the case of an application for license upon completion of antenna construction for a station authorized pursuant to § 73.215 or § 73.509, a showing that the root mean square (RMS) of the measured composite antenna pattern (encompassing both the horizontally and vertically polarized radiation components (in relative field)) is at least 85% of the RMS of the authorized composite directional antenna pattern (in relative field). The RMS values, for a composite antenna pattern specified in relative field values, may be determined from the following formula:

RMS = the square root of:

$$\frac{[(\text{relative field value 1})^2 + (\text{relative field value 2})^2 + \dots + (\text{last relative field value})^2]}{\text{number of relative field values summed}}$$

where the relative field values are taken from at least 36 evenly spaced radials for the entire 360° of azimuth. The application for license must also demonstrate that coverage of the community of license by the 70 dBu contour is maintained for stations authorized pursuant to § 73.215 on Channels 221 through 300, as required by § 73.315(a), while noncommercial educational stations operating on Channels 201 through 220 must show that the 60 dBu contour covers at least a portion of the community of license.

Section 73.316(e) is replaced with the following:

§ 73.316 (e) Where an FM licensee or permittee proposes to mount its antenna on an AM antenna tower, or locate within 3.2 km of an AM antenna tower, the FM licensee or permittee must comply with § 73.1692.

Sections 73.316 (f), (g), (h), and (i) are deleted.

Section 73.525(e)(1)(vii) is added, as follows:

§ 73.525 (e) (1) (vii) In cases where the predicted interference area to Channel 6 television from a noncommercial educational FM station will be located within the 90 dBu F(50,50) contour of the television Channel 6 station, the location of the FM interfering contour must be determined using the assumption that the Channel 6 field strength remains constant at 90 dBu everywhere within the 90 dBu TV contour. The FM to Channel 6 U/D signal strength ratio specified in § 73.599 corresponding to the Channel 6 TV field strength of 90 dBu shall be used.

Section 73.681 is modified by the insertion of the following definition inserted immediately after the definition of *Aural Transmitter*:

§ 73.681 *Auxiliary facility.* An auxiliary facility is an antenna separate from the main facility's antenna, permanently installed on the same tower or at a different location, from which a station may broadcast for short periods without prior Commission authorization or notice to the Commission while the main facility is not in operation (e.g., where tower work necessitates turning off the main antenna or where lightning has caused damage to the main antenna or transmission system) (See § 73.1675).

Section 73.685 (h) is replaced with the following:

§ 73.685 (h) Where a TV licensee or permittee proposes to mount an antenna on an AM antenna tower, or locate within 3.2 km of an AM antenna tower, the TV licensee or permittee must comply with § 73.1692.

Section 73.1125 (b)(2) is replaced with the following:

§ 73.1125 (b) (2) Written authority to locate a main studio outside a station's principal community contour for the first time must be obtained from the Audio Services Division, Mass Media Bureau for AM and FM stations, or the Television Branch, Video Services Division, Mass Media Bureau for television stations before the studio may be moved to that location. Where the main studio is already authorized at a location outside the station's principal community contour, and the licensee or permittee desires to specify a new location also located outside the station's principal community contour, written authority must also be received from the Commission prior to the relocation of the main studio. Authority for these changes may be requested by filing a letter with an explanation of the proposed changes with the appropriate division. Licensees or permittees should be aware that the filing of a letter request for written authority to locate the main studio outside the principal community contour does not imply approval of the relocation request, because each request is addressed on a case-by-case basis. A filing fee is required for commercial AM, FM, or TV licensees or permittees filing a letter request under this section (see § 1.1104).

Section 73.1620 (a) (2) is replaced with the following:

§ 73.1620 (a) (2) The permittee of an FM station with a directional antenna system must file an application for license on FCC Form 302-FM requesting authority to commence program test operations at full power with the FCC in Washington, D.C. This license application must be filed at least 10 days prior to the date on which full power operations are desired to commence. The application for license must contain any exhibits called for by conditions on the construction permit. The staff will review the license application and the request for program test authority and issue a letter notifying the applicant whether full power operation has been approved. Upon filing of the license application and related exhibits, and while awaiting approval of full power operation, the FM permittee may operate the directional antenna at one half (50%) of the authorized effective radiated power. Alternatively, the permittee may continue operation with its existing licensed facilities pending the issuance of program test authority at the full effective radiated power by the staff.

A new Section 73.1620(a)(3) is added as follows:

§ 73.1620 (a) (3) FM licensees replacing a directional antenna pursuant to § 73.1690 (c)(2) without changes which require a construction permit (*see* § 73.1690(b)) may immediately commence program test operations with the new antenna at one half (50%) of the authorized ERP upon installation. If the directional antenna replacement is an EXACT duplicate of the antenna being replaced (i.e., same manufacturer, antenna model number, AND measured composite pattern), program tests may commence with the new antenna at the full authorized power upon installation. The licensee must file a modification of license application on FCC Form 302-FM within 10 days of commencing operations with the newly installed antenna, and the license application must contain all of the exhibits required by § 73.1690(c)(2). After review of the modification-of-license application to cover the antenna change, the Commission will issue a letter notifying the applicant whether program test operation at the full authorized power has been approved for the replacement directional antenna.

A new Section 73.1620(a)(4) is added as follows:

§ 73.1620 (a) (4) The permittee of an AM station with a directional antenna system must file an application for license on FCC Form 302-AM requesting program test authority with the FCC in Washington, DC at least ten (10) days prior to the date on which it desires to commence program test operations. The application must provide an AM directional antenna proof of performance, containing the exhibits required by § 73.186. After review of the application to cover the construction permit, the Commission will issue a letter notifying the applicant whether program test operations may commence. Program test operations may not commence prior to issuance of staff approval.

Section 73.1620(b) is replaced as follows:

§ 73.1620 (b) The Commission reserves the right to revoke, suspend, or modify program tests by any station without right of hearing for failure to comply adequately with all terms of the construction permit or the provisions of § 73.1690(c) for a modification of license application, or in order to resolve instances of interference. The Commission may, at its discretion, also require the filing of a construction permit application to bring the station into compliance the Commission's rules and policies.

Section 73.1675 is revised as follows:

§ 73.1675 **Auxiliary Facilities**

(a) *

(b) *

(c) (1) Where an FM or TV licensee proposes to use a formerly licensed main facility as an auxiliary facility, or proposes to modify a presently authorized auxiliary facility, and no changes in the height of the antenna radiation center are required in excess of the limits in § 73.1690(c)(1), the FM or TV licensee may apply for the proposed auxiliary facility by filing a modification of license application. The modified auxiliary facility must operate on the same channel as the licensed main facility. An exhibit must be provided with this license application to demonstrate compliance with § 73.1675(a). All FM and TV licensees may request a decrease from the authorized facility's ERP in the license application. An FM or TV licensee may also increase the ERP of the auxiliary facility in a license modification application, provided the application contains an analysis demonstrating compliance with the Commission's radiofrequency radiation guidelines, and an analysis showing that the auxiliary facility will comply with § 73.1675(a). Auxiliary facilities mounted on an AM antenna tower must also demonstrate compliance with § 73.1692 in the license application.

(c) (2) Where an AM licensee proposes to use a former licensed main facility as an auxiliary facility with an ERP less than or equal to the ERP specified on the former main license, the AM station may apply to license the proposed auxiliary facility by filing a modification of license application on Form 302-AM. The proposed auxiliary facilities must have been previously licensed on the same frequency as the present main facility. The license application must contain an exhibit to demonstrate compliance with § 73.1675(a).

Section 73.1690 is revised as follows:

(a) *

(b) The following changes may be made only after the grant of a construction permit application on FCC Form 301 for commercial stations or Form 340 for noncommercial educational stations:

(1) Any construction of a new tower structure for broadcast purposes, except for replacement of an existing tower with a new tower of identical height and geographic coordinates.

(2) Any change in station geographic coordinates, including coordinate corrections. FM and TV directional stations must also file a construction permit application for any move of the antenna to another tower structure located at the same coordinates.

(3) Any change which would require an increase along any azimuth in the composite directional antenna pattern of an FM station from the composite directional antenna pattern authorized (*see* § 73.316), or any increase from the authorized directional antenna pattern for a TV station (*see* § 73.685).

(4) Any change in the directional radiation characteristics of an AM directional antenna system. *See* § 73.45 and § 73.150.

(5) Any decrease in the authorized power of an AM station or the ERP of a TV station, or any decrease or increase in the ERP of an FM commercial station, which is intended for compliance with the multiple ownership rules in § 73.3555.

(6) For FM noncommercial educational stations, any of the following:

(i) Any increase in the authorized maximum ERP, whether horizontally or vertically polarized, for a noncommercial educational FM station operating on Channels 201 through 220, or a Class D FM station operating on Channel 200..

(ii) For those FM noncommercial educational stations on Channels 201 to 220, or a Class D FM station operating on Channel 200, which are within the separation distances specified in Table A of § 73.525 with respect to a Channel 6 television station, any increase in the horizontally or vertically polarized ERP from the presently authorized ERP.

(iii) For those FM noncommercial educational stations on Channels 201 through 220 which are located within the separation distances in § 73.525 with respect to a Channel 6 television station, or a Class D FM station operating on Channel 200, any decrease in the presently authorized horizontal effective radiated power which would eliminate the horizontal ERP to result in use of vertical ERP only.

(iv) For those FM noncommercial educational stations which employ separate antennas for the horizontal ERP and the vertical ERP, mounted at different heights, the station may not increase or decrease either the horizontal ERP or the vertical ERP without a construction permit.

(7) Any increase in the authorized ERP of a television station, FM commercial station, or noncommercial educational FM station, except as provided for in §§ 73.1690(c)(4), (c)(5), or (c)(7), or § 73.1675(c)(1) in the case of auxiliary facilities.

(8) A commercial TV or noncommercial educational TV station operating on Channels 14 or Channel 69 may increase its horizontally or vertically polarized ERP only after the grant of a construction permit. A television station on Channels 15 through 21 within 341 km of a cochannel land mobile operation, or 225 km of a first-adjacent channel land mobile operation, must also obtain a construction permit before increasing the horizontally or vertically polarized ERP (see Part 74, § 74.709(a) and (b) for tables of urban areas and corresponding reference coordinates of potentially affected land mobile operations).

(c) The following FM and TV station modifications may be made without prior authorization from the Commission. A modification of license application must be submitted to the Commission within 10 days of commencing program test operations pursuant to § 73.1620. With the exception of applications filed solely pursuant to Sections (c)(6), (c)(9), or (c)(10), the modification of license application must contain an exhibit demonstrating compliance with the Commission's radiofrequency radiation guidelines. In addition, except for applications solely filed pursuant to Sections (c)(6) or (c)(9), where the installation is located within 3.2 km of an AM tower or is located on an AM tower, an exhibit demonstrating compliance with § 73.1692 is also required.

(1) Replacement of an omnidirectional antenna with one of the same or different number of antenna bays, provided that the height of the antenna radiation center is not more than 2 meters above or 4 meters below the authorized values. Any concurrent change in ERP must comply with § 73.1675(c)(1), 73.1690(4), (c)(5), or (c)(7). Program test operations at the full authorized ERP may commence immediately upon installation pursuant to § 73.1620(a)(1).

(2) Replacement of a directional FM antenna, where the measured composite directional antenna pattern does not exceed the licensed composite directional pattern at any azimuth, where no change in effective radiated power will result, and where compliance with the principal coverage requirements of § 73.315(a) will be maintained by the measured directional pattern. The antenna must be mounted not more than 2 meters above or 4 meters below the authorized values. The modification of license application on Form 302-FM to cover the antenna replacement must contain all of the data in the following sections (i) through (v). Program test operations at one half (50%) power may commence immediately upon installation pursuant to § 73.1620(a)(3). However, if the replacement directional antenna is an exact replacement (i.e., no change in manufacturer, antenna model number, AND measured composite antenna pattern), program test operations may commence immediately upon installation at the full authorized power.

(i) A measured directional antenna pattern and tabulation on the antenna manufacturer's letterhead showing both the horizontally and vertically polarized radiation components and demonstrating that neither of the components exceeds the authorized composite antenna pattern along any azimuth.

(ii) Contour protection stations authorized pursuant to § 73.215 or § 73.509 must attach a showing that the RMS (root mean square) of the composite measured directional antenna pattern is 85% or more of the RMS of the authorized composite antenna pattern. *See* § 73.316(c)(9). If this requirement cannot be met, the licensee may include new relative field values with the license application to reduce the authorized composite antenna pattern so as to bring the measured composite antenna pattern into compliance with the 85% requirement.

(iii) A description from the manufacturer as to the procedures used to measure the directional antenna pattern. The antenna measurements must be performed with the antenna mounted on a tower, tower section, or scale model equivalent to that on which the antenna will be permanently mounted, and the tower or tower section must include transmission lines, ladders, conduits, other antennas, and any other installations which may affect the measured directional pattern.

(iv) A certification from a licensed surveyor that the antenna has been oriented to the proper azimuth.

(v) A certification from a qualified engineer who oversaw installation of the directional antenna that the antenna was installed pursuant to the manufacturer's instructions.

(3) A directional TV station on Channels 2 through 13 or 22 through 68, or a directional TV station on Channels 15 through 21 which is in excess of 341 km (212 miles) from a cochannel land mobile operation or in excess of 225 km (140 miles) from a first-adjacent channel land mobile operation (*see* Part 74, § 74.709(a) and (b) for tables of urban areas and reference coordinates of potentially affected land mobile operations), may replace a directional TV antenna by a license modification application, if the proposed horizontal theoretical directional antenna pattern does not exceed the licensed horizontal directional antenna pattern at any azimuth and where no change in effective radiated power will result. The modification of license application on Form 302-TV must contain all of the data set forth in § 73.685(f).

(4) Commercial and noncommercial educational FM stations operating on Channels 221 through 300 (except Class D), NTSC TV stations operating on Channels 2 through 13 and 22 through 68, and TV stations operating on Channels 15 through 21 that are in excess of 341 km (212 miles) from a cochannel land mobile operation or in excess of 225 km (140 miles) from a first-adjacent channel land mobile operation [*see* Part 74, § 74.709(a) and (b) for tables of urban areas and reference coordinates of potentially affected land mobile operations], which operate omnidirectionally, may increase the vertically polarized effective radiated power up to the authorized horizontally polarized effective radiated power in a license modification application. Noncommercial educational FM licensees and permittees on Channels 201 through 220, that do not use separate

antennas mounted at different heights for the horizontally polarized ERP and the vertically polarized ERP, and are located in excess of the separations from a Channel 6 television station listed in Table A of § 73.525(a)(1), may also increase the vertical ERP, up to (but not exceeding) the authorized horizontally polarized ERP via a license modification application. Program test operations may commence at full power pursuant to § 73.1620(a)(1).

(5) Those Class A FM commercial stations which were permitted to increase ERP pursuant to MM Docket No. 88-375 by a modification of license application remain eligible to do so, provided that the station meets the requirements of § 73.1690 (c)(1), and is listed on one of the Public Notices as authorized to increase ERP, or by a letter from the Commission's staff authorizing the change. These Public Notices were released on November 3, 1989; November 17, 1989; December 8, 1989; March 2, 1990; and February 11, 1991. The increased ERP must comply with the multiple ownership requirements of § 73.3555. Program test operations may commence at full power pursuant to § 73.1620(a)(1).

(6) FM contour protection stations authorized pursuant to § 73.215 which have become fully spaced under § 73.207 may file a modification of license application to delete the § 73.215 contour protection designation with an exhibit to demonstrate that the station is fully spaced in accordance with § 73.207. The contour protection designation will be removed upon grant of the license application. Applications filed under this rule section will be processed on a first come / first served basis with respect to conflicting FM commercial minor change applications and modification of license applications (including those filed pursuant to § 73.1690 (b) and (c)(6) and (c)(7)).

(7) FM omnidirectional commercial stations, and omnidirectional noncommercial educational FM stations operating on Channels 221 through 300 (except Class D), which are not designated as contour protection stations pursuant to 47 C.F.R. § 73.215 and which meet the spacing requirements of § 73.207, may file a license modification application to increase ERP to the maximum permitted for the station class, provided that any change in the height of the antenna radiation center remains in accordance with § 73.1690(c)(1). Program test operations may commence at full power pursuant to § 73.1620(a)(1). All of the following conditions also must be met before a station may apply pursuant to this section:

(i) The station may not be a "grandfathered" short-spaced station authorized pursuant to § 73.213 or short-spaced by a granted waiver of § 73.207;

(ii) If the station is located in or near a radio quiet zone, radio coordination zone, or a Commission monitoring station (*see* § 73.1030 and § 0.121(c)), the licensee or permittee must have secured written concurrence from the affected radio quiet zone, radio coordination zone, or the Commission's Compliance and Information Bureau in the case of a monitoring station, to increase effective radiated power PRIOR to implementation. A copy of that concurrence must be submitted with the license application to document that concurrence has been received;

(iii) The station does not require international coordination as the station does not lie within the border zones, or clearance has been obtained from Canada or Mexico for the higher power operation within the station's specified domestic class and the station complies with § 73.207(b)(2) and (3) with respect to foreign allotments and allocations;

(iv) The increased ERP will not cause the station to violate the multiple ownership requirements of § 73.3555.

(8) FM commercial stations and FM noncommercial educational stations may decrease ERP on a modification of license application provided that exhibits are included to demonstrate that all six of the following requirements are met:

(i) Commercial FM stations must continue to provide a 70 dBu principal community contour over the community of license, as required by § 73.315(a). Noncommercial educational FM stations must continue to provide a 60 dBu contour over at least a portion of the community of license. The 60 and 70 dBu contours must be predicted by use of the standard contour prediction method in § 73.313(b), (c), and (d).

(ii) For both commercial FM and noncommercial educational FM stations, the location of the main studio remains within the 70 dBu principal community contour, as required by § 73.1125, or otherwise complies with that rule. The 70 dBu contour must be predicted by use of the standard contour prediction method in § 73.313(b), (c), and (d).

(iii) For commercial FM stations only, there is no change in the authorized station class as defined in § 73.211.

(iv) For commercial FM stations only, the power decrease is not necessary to achieve compliance with the multiple ownership rule, § 73.3555.

(v) Commercial FM stations, noncommercial educational FM stations on Channels 221 through 300, and noncommercial educational FM stations on Channels 200 through 220 which are located in excess of the distances in Table A of § 73.525 with respect to a Channel 6 TV station, may not use this rule to decrease the horizontally polarized ERP below the value of the vertically polarized ERP.

(vi) Noncommercial educational FM stations on Channels 201 through 220 which are within the Table A distance separations of § 73.525, or Class D stations on Channel 200, may not use the license modification process to eliminate an authorized horizontally polarized component in favor of vertically polarized-only operation. In addition, noncommercial educational stations operating on Channels 201 through 220, or Class D stations on Channel 200, which employ separate horizontally and vertically polarized antennas mounted at different heights, may not use the license modification process to increase or decrease either the horizontal ERP or vertical ERP without a construction permit.

(9) The licensee of an AM, FM, or TV commercial station may propose to change from commercial to noncommercial educational on a modification of license application, provided that the application contains completed Sections II and IV of FCC Form 340. In addition, a noncommercial educational AM licensee, a TV licensee on a channel not reserved for noncommercial educational use, or an FM licensee on Channels 221 to 300 (except Class D FM) on a channel not reserved for noncommercial educational use, may apply to change from educational to commercial via a modification of license application, and no exhibits are required with the application. The change will become effective upon grant of the license application.

(10) Replacement of a transmission line with one of a different type or length which changes the transmitter operating power (TPO) from the authorized value, but not the ERP, must be reported in a license modification application to the Commission.

(d) *

(e) *

A new Section 73.1692 is added, as follows:

§ 73.1692 **Broadcast Station Construction Near or Installation On an AM Broadcast Tower.** Where a broadcast licensee or permittee proposes to mount a broadcast antenna on an AM station tower, or where construction is proposed within 0.8 km of an AM nondirectional tower or within 3.2 km of an AM directional station, the broadcast licensee or permittee is responsible for ensuring that the construction does not adversely affect the AM station, as follows:

(a) *Installations on an AM Nondirectional Tower.* During installation of the broadcast antenna and related equipment, the AM station shall determine operating power by the indirect method (see § 73.51). Upon the completion of the installation, antenna impedance measurements on the AM antenna shall be made, and, prior to or simultaneously with the filing of the license application covering the broadcast station installation, an application on FCC Form 302-AM (including a tower sketch of the installation) shall be filed with the Commission for the AM station to return to direct power measurement.

(b) *Installations on an AM Directional Array.* Prior to commencing construction, the broadcast permittee or licensee shall notify the AM station so that, if necessary, the AM station may determine operating power by the indirect method (see § 73.51) and request special temporary authority pursuant to § 73.1635 to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Both prior to the commencement of construction and upon completion of construction, a partial proof of performance (as defined by § 73.154) shall be conducted to establish that the AM array has not been adversely affected. Prior to or simultaneously with filing of the license application to cover the broadcast station construction, the results of the partial proof of performance shall be filed with the Commission on Form 302-AM.

(d) *Tower Erections or Modifications Within 3.2 km of an AM Directional Station.*

Section 73.3500: The reference to Form 302, "Application for New Broadcast Station License" is deleted, and new text inserted as follows:

Section 73.3536(b)(1) is revised to read as follows:

§ 73.3536 Station Broadcast License"	(b) (1)	(i)	Form 302-AM for AM stations, "Application for New AM
		(ii)	Form 302-FM for FM stations, "Application for FM Station
License"			

(iii) Form 302-TV for television stations, "Application for TV Station Broadcast License."

Section 73.3537 is revised to read as follows:

§ 73.3537 See § 73.1675, "Auxiliary Facility".

Section 73.3538 is revised to read as follows:

§ 73.3538 Where prior authority is required from the FCC to make changes in an existing station, the following procedures shall be used to request that authority:

(a) An application for construction permit using the forms listed in § 73.3533 must be filed for authority to:

- (1) Make any of the changes listed in § 73.1690(b).
- (2) Change the hours of operation of an AM station, where the hours of operation are specified on the license or permit.
- (3) Install a transmitter which has not been approved (type accepted) by the FCC for use by licensed broadcast stations.

Sections 73.3538 (a) (5), (6) and (7) are deleted in their entirety.

A new Section 73.3538(b)(3) is added as follows:

§ 73.3538 (b) (3) Relocation of a main studio outside the principal community contour may require the filing and approval of a letter request for authority to make this change prior to implementation. See § 73.1125.

Section 73.3544(a) is revised as follows:

§ 73.3544 (a) The changes specified in § 73.1690(c) may be made by the filing of a license application using the forms listed in § 73.3536(b)(1).

Part 74 of Title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

Section 74.780 is modified under the reference to Part 73, to insert a reference to the proposed rule section 73.1692, as follows:

§ 74.780 Section 73.1692 --- Construction Near or Installation On an AM Broadcast Tower

Section 74.1235(h) is modified to read as follows:

§ 74.1235 (h) All applications must comply with § 73.316, paragraphs (d) and (e).

A new Section 74.1237(e) is added as follows:

§ 74.1237 (e) A translator or booster station to be located on an AM antenna tower or located within 3.2 km of an AM antenna tower must comply with § 73.1692.

**** End Appendix E ****